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OFFICE OF PETITIONS

**Supplemental
Decision on Petition**

In re Application of
Oashi et al.
Application No. 09/587,107
Filed: June 2, 2000
Reissue of Patent No. 5,767,845
Original Issue Date: June 16, 1998
Attorney Docket No. 52478-0900

The instant decision is intended to supplement the decision mailed April 1, 2005.

This decision is in response to papers filed November 29, 2004, which are being treated as a petition under 37 CFR 1.183 to waive 37 CFR 1.67.¹

The petition is **granted**.

During a telephone conversation between attorney of record Joseph Price and the undersigned at approximately noon on April 1, 2005, the attorney of record indicated that, at no time, had petitioner desired to withdraw the instant petition. Therefore, the Office has reconsidered the papers filed November 29, 2004, and issues this decision after such reconsideration.

A review of the evidence indicates justice would be served by waiving the requirement for the signature of Ryoichi Sasaki on the supplemental declaration filed November 29, 2004.

The aforementioned supplemental declaration has been accepted, on petition, and placed in the file.

The fee for a petition under 37 CFR 1.183 is \$400. The Office previously charged \$200 for the petition. Therefore, an additional \$200 will be charged to petitioner's deposit account for the instant petition.²

The examiner will be informed of the instant decision in order to give the examiner the opportunity to consider the supplemental declaration and other papers filed in response to the final Office action mailed August 27, 2004.

¹ Once a fully executed oath or declaration has been filed in an application, the provision of 37 CFR 1.47 no longer apply. The remedy for treating an inventor's refusal to sign a supplemental oath or declaration is waiver of 37 CFR 1.67. MPEP 603 states,

When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183.

² See Revision of Patent Fees for Fiscal Year 2005, 69 Fed. Reg. 52604 (Aug. 27, 2004) and Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, 1287 Off. Gaz. Pat. Office 67 (Oct. 12, 2004).

Telephone inquiries concerning this decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', with a stylized, cursive script.

Charles Steven Brantley
Petitions Attorney
Office of Petitions